

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

COLEMAN TAVON EDWARDS,

Defendant-Appellant.

UNPUBLISHED

August 9, 2005

No. 253296

Berrien Circuit Court

LC No. 2003-403328-FC

Before: Whitbeck, C.J., and Sawyer and Fitzgerald, JJ.

PER CURIAM.

Defendant Coleman Edwards appeals as of right his conviction for assault with intent to commit murder, MCL 750.83.¹ We affirm. We decide this appeal without oral argument pursuant to MCR 7.214(E).

I. Basic Facts And Procedural History

This case arose when Edwards shot Michigan State Police Trooper Timothy Slais as he tried to remove Edwards from the rear seat of a parked vehicle. Slais was helping to quell a disturbance during the 2003 riots in Benton Harbor when he noticed Edwards and another man in the rear seat of a nearby vehicle. The two men appeared to be hiding something in the seat. Slais went to the rear passenger side of the vehicle and ordered the men to get out. Edwards' companion got out and walked to the rear of the vehicle. However, Edwards would not comply with Slais' repeated orders. Instead, he attempted to move away from Slais and turned his back toward the trooper. Slais reached into the vehicle with his left hand, grabbed the back of Edwards' shirt, and again told him to get out of the passenger side. Edwards then lunged toward the driver's side door, pulling Slais inside the vehicle by his left hand. Slais, who was now facing the same direction as Edwards, pushed Edwards down into the seat and moved on top of him to keep him in the car. Slais' left arm was bent at the elbow and held near his chest as the two moved together. Edwards' hands were still in front of him. Slais heard a pop and felt his

¹ Edwards was also convicted of resisting and obstructing a police officer causing serious injury, MCL 750.81d(3), and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced to concurrent terms of 216 to 550 months in prison for the assault conviction and 86 to 180 months in prison for the resisting and obstructing conviction, and was given a two-year consecutive sentence for the felony-firearm conviction.

left arm go numb. The bullet struck Slais' left forearm at very close range, exited the opposite side of his forearm, and traveled into his left upper arm. The bullet then exited Slais' upper arm and struck his torso, about three to four inches from his heart and an inch from his lung. Slais lost his grip on Edwards' shirt. Edwards fled, but was wounded when Slais and the other officers fired at him.

II. Sufficiency Of The Evidence

A. Standard Of Review

We review de novo challenges to the sufficiency of the evidence, viewing the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt.²

B. Specific Intent To Kill

Edwards argues that his assault conviction should be reversed because there was insufficient evidence to find that he had the specific intent to kill Slais. The elements of the crime of assault with intent to murder are: (1) an assault; (2) with an actual intent to kill; (3) which, if successful, would make the killing murder.³ Each element of the offense, including the intent to kill, may be proven by circumstantial evidence and reasonable inferences arising from the evidence.⁴ "Because of the difficulty of proving an actor's state of mind, minimal circumstantial evidence is sufficient."⁵

Here, Edwards testified that the shooting occurred accidentally. However, he also admitted that he was shoving the gun into the seat with his right hand when the shooting occurred, and that his finger was on the trigger at the time. This evidence supports a finding that, in the position the two men were in at the time, Edwards would have had to reach around his own body with his right arm and place the gun against Slais' left arm in order to effectuate the wounds that Slais received. The location of the wounds and the circumstances of the offense support the prosecutor's position that Edwards fired deliberately. This deliberate action supports a conclusion that Edwards intended to kill the trooper.⁶ The prosecutor was not required to

² *People v Wolfe*, 440 Mich 508, 515-516; 489 NW2d 748 (1992).

³ *People v Warren (After Remand)*, 200 Mich App 586, 588; 504 NW2d 907 (1993); *People v Lawton*, 196 Mich App 341, 350; 492 NW2d 810 (1992).

⁴ *Id.*

⁵ *People v McRunels*, 237 Mich App 168, 181; 603 NW2d 95 (1999).

⁶ See *People v Drayton*, 168 Mich App 174, 177-178; 423 NW2d 606 (1988); *People v Ritsema*, 105 Mich App 602, 608-609; 307 NW2d 380 (1981); *People v Turner*, 62 Mich App 467, 470; 233 NW2d 617 (1975).

disprove Edwards' assertion that the gun accidentally discharged.⁷ Under these circumstances, we conclude that the prosecutor provided adequate support for Edwards' assault conviction.⁸

Affirmed.

/s/ William C. Whitbeck

/s/ David H. Sawyer

/s/ E. Thomas Fitzgerald

⁷ *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

⁸ *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002).